

COMMISSION ON COMMON OWNERSHIP COMMUNITIES
Minutes of the Monthly Meeting
1401 Rockville Pike, 4th Floor, Rockville, MD 20850
March 7, 2018

The monthly meeting of the Commission on Common Ownership Communities was called to order at 7:07pm by Vice-Chairman Mike Burrows.

Commissioners present: Branda, Burrows, Ethier, Gardner, Gelfound, Majerle, Viney, & Valley.

Commissioners absent: Fine, Fishbein, Fonoroff, Koonin, Oxendine

Also attending: Walter Wilson, Assoc. County Attorney; Mark Anders, CCOC staff; Tim Goetzinger, DHCA Chief of Finance & Administration

Guests: Larry Dorney [Grosvenor], John Kester [Dumont Oaks Community], Lawrence "Don" Dillin [Willoughby], Vicki Vergagni [Glenwaye]

Tim Goetzinger was introduced by Commissioner Burrows. As the interim DHCA Division Chief, Mr. Goetzinger asked that 1) Commissioners respect administration by notifying staff & reception if they need access to the office; 2) Mark Fine & Mike Burrows should be first point of contact for commissioners' issues, questions, problems, or complaints about *anything*; 3) Staff has a heavy caseload exacerbated by interruptions and demands on their time – please be respectful and patient; 4) Department priorities: policies & procedures for staff, tech improvements [CMA system, replacing paper with electronic readers], and supporting Tiger Team efforts on distressed communities.

Commissioners' responses: Documents for CE1 not being loaded into CMS or Team-up in time for hearings; some commissioners don't have access to CMS; staff not adhering to CE1 timelines or proper use of template notices.

1. Approval of Minutes: Commissioner Branda moved to approve the minutes of the January 3, 2018 monthly meeting. The motion was approved by majority vote; Commissioners Ethier & Winger abstained.
 - Commissioner Winegar again moved to request that DHCA hire an independent "minute-taker" for commission meetings. [The commission has moved that they will not allow *audio recordings* of meetings.] After discussion, the motion was approved by unanimous vote. Following the vote Mr. Goetzinger said he would look into whether or not there was an existing county contractor who could take minutes as requested or if an RFP would be necessary.
2. Distressed Communities: Detailed description of the proposed task force was included in Commissioners' packets.
 - Commissioner Branda reported on the creation of an independent task force to address distressed common ownership communities comprised of what will be known as Tiger Teams. Each team, comprised of experts and professionals in their field, will address different components affecting coc's.
 - Vicki Vergangi reported that many coc's are on the verge of bankruptcy, property values are depressed; reporting requirements, permitting, and taxation have created inequities

- between coc's and single-family homes.
 - Commissioner Winegar reported that in master-meter coc's, many of which have been converted from rentals, one unit's fees one year in arrears, generates a significant loss for the association in operating funds, to the extent that the association stops funding their reserves.
 - Commissioner Ethier reported that these are all complex issues, crossing many jurisdictions, and interaction between the teams and county departments will be necessary in order to find solutions.
3. Open Forum: Mr. Dillin asked a question about the notice requirements for meetings. Before discussion could commence, Commissioner Branda noted that the question was inappropriate as it is part of Mr. Dillin's complaint before the Commission. Mr. Dillin withdrew his question.
 4. Submission of disputes for consideration of jurisdiction: Commissioner Gelfound suggested that staff reduce the size of case files being considered for jurisdiction by only producing the **complaint form, staff's summary, and respondent's response**. Sending the entire CE1 for a determination of jurisdiction is not necessary.

Defaults:

#43-17 Longmead Crossing v. Nguyen: Commissioner Winegar moved to **accept jurisdiction and refer the case to a default hearing**; approved by unanimous vote.

#44-17 Longmead Crossing v. Bayou: Commissioner Winegar moved to **accept jurisdiction and refer the case to a default hearing**; approved by unanimous vote.

#62-17 Willow Cove v. Baiocchi: case involves violation of covenants and fines, not code violation; Commissioner Winegar moved to **accept jurisdiction and refer the case to a default hearing**; approved by unanimous vote.

#2018-042 Mbetcha v. Laing at Milestone: Staff was directed to phone the management company to ensure they are the correct party; if not, staff may wish to vacate default. Until that is determined, Commissioner Gardner moved to accept jurisdiction and refer the case to a default hearing; approved by unanimous vote.

Amended 4-4-18: The commission tabled this case until the next meeting; staff was requested to re-send the complaint to the proper Management Agent via certified mail.

Commissioner Gelfound moved that for all future cases when a filing is sent to the respondent, it must be sent via certified mail; approved by unanimous vote.

#2018-040 Dillin v. Willoughby & #2018-061 Nadri v. Willoughby: Complaints have same basis, i.e. violation of covenants allowing spending over \$10,000; Commissioner Ethier moved **to accept jurisdiction** on both cases, Winegar & Gelfound opposed, approved by majority vote.

Commissioner Ethier moved that cases be **consolidated, heard by a single panel at a hearing scheduled as soon as possible**, as long as parties agree in writing to waive notice. Approved by unanimous vote.

#53-17 Curran v. The Elizabeth Condominium: Complaint mediated, no compelling evidence; Commissioner Winegar moved to **deny jurisdiction**, approved by unanimous vote.

#56-17 Barnes-Pretlow v. Mutual 6A: Election dispute. Respondent refused mediation, letter sent via USPS & email re **consequences of refusing mediation**; Commissioner Viney moved to **accept jurisdiction and refer case to a hearing panel, accepted by unanimous vote**.

#2018-041 Berman v. New Mark Commons: Commissioner Gardner moved to **accept jurisdiction and refer case to a hearing panel, accepted by unanimous vote**.

Commissioners are requested to contact Mark Fine with dates they are available, or not available, for hearing panels in April [Mon-Fri].

5. Decisions & Orders issued, and included in meeting packet:
#05-17 Youssef v. Cloverleaf Center Condominium: no discussion
#72-13 Potomac Preserve v. Ball: no discussion
#51-17 Crockett Lane HOA v. D'Costa & Nwogu, no discussion
 - Re language previously approved by the Commission regarding the failure to comply with, and a request for enforcement of, the Decisions & Orders of a hearing panel, to be added to the end of all Decisions & Orders: Commissioner Gardner moved that all Panel Chairs be sent the specific language and instructed to use it in future.
6. County Attorney's report: No decisions under review
7. Staff report: Monthly data reporting is still incorrect and will not be included in minutes.
8. Committee reports:
Education Committee [Kathy Viney, Chair] –
 - Commissioner Viney reported on the relative success of the DEP/CCOC Open House, and hopes for greater reach at the upcoming CAI Expo.**Legislative Committee** [Ilana Branda, Chair]:
 - Commissioner Branda will share her list of pending legislation upon request.**IT Committee** [Mike Burrows, Chair]: no report
Process & Procedures [Marietta Ethier, Chair] – no report
9. New Business:
 - Commissioner Viney initiated a conversation about the food provided by Mark Fine, at his own expense. General consensus was that there is twice what is needed. Commissioner Valley moved that no food be provided if it is not paid for out of the Commission budget, Commissioners Valley & Winegar in favor, majority opposed, Commissioner Ethier abstained. Further discussion tabled until Commissioner Fine is present.
 - Commissioner Winegar initiated a conversation about resident behavior and their rambling statements during Open Forum. Commissioner Gelfound moved that procedures be developed to deal with this issue, approved by unanimous vote.
10. Adjournment: the meeting was adjourned at 9:15pm.

Minutes submitted by
Kathy Viney, Commissioner
& Recording Secretary

**The next monthly meeting of the Commission will be Wednesday,
April 4, 2018 at 7:00pm at 1401 Rockville Pike, 4th Floor.**